

March 24, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Pine Telephone System, Inc. & Qwest Corporation
Joint Petition for Expedited Waiver of Definition of Study Area
CC Docket No. 96-45

NOTICE OF EX PARTE COMMUNICATION

Dear Ms. Dortch:

On Monday, March 23, 2009, Ron Milford and John Hemphill of Pine Telephone System, Inc. ("Pine Telephone"), and Brian Higgins and Russell Hanser of Wilkinson Barker Knauer, LLP, counsel to Pine Telephone, met separately with (1) Jennifer McKee, Legal Advisor to Acting Chairman Copps; (2) Renée Crittendon, Legal Advisor to Commissioner Jonathan Adelstein; (3) Nicholas Alexander, Legal Advisor to Commissioner McDowell; and (4) Julie Veach, Alex Minard, Gary Siegel, Katie King and Tom Buckley of the Wireline Competition Bureau regarding its pending request to waive the study area boundary freeze. Pine Telephone made the arguments set forth in the attached handout, noted that its request was unopposed, and urged prompt action given the limited, seasonal construction window available in central Oregon.

Pursuant to Section 1.1206(b)(2) of the Commission's rules, an electronic copy of this letter is being filed for inclusion in the above-referenced docket.

Respectfully submitted,

/s/ Brian W. Higgins

Brian W. Higgins

Counsel for Pine Telephone System, Inc.

Marlene H. Dortch

March 24, 2009

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cc:

Jennifer McKee

Renée Crittendon

Nicholas Alexander

Julie Veach

Alex Minard

Gary Siegel

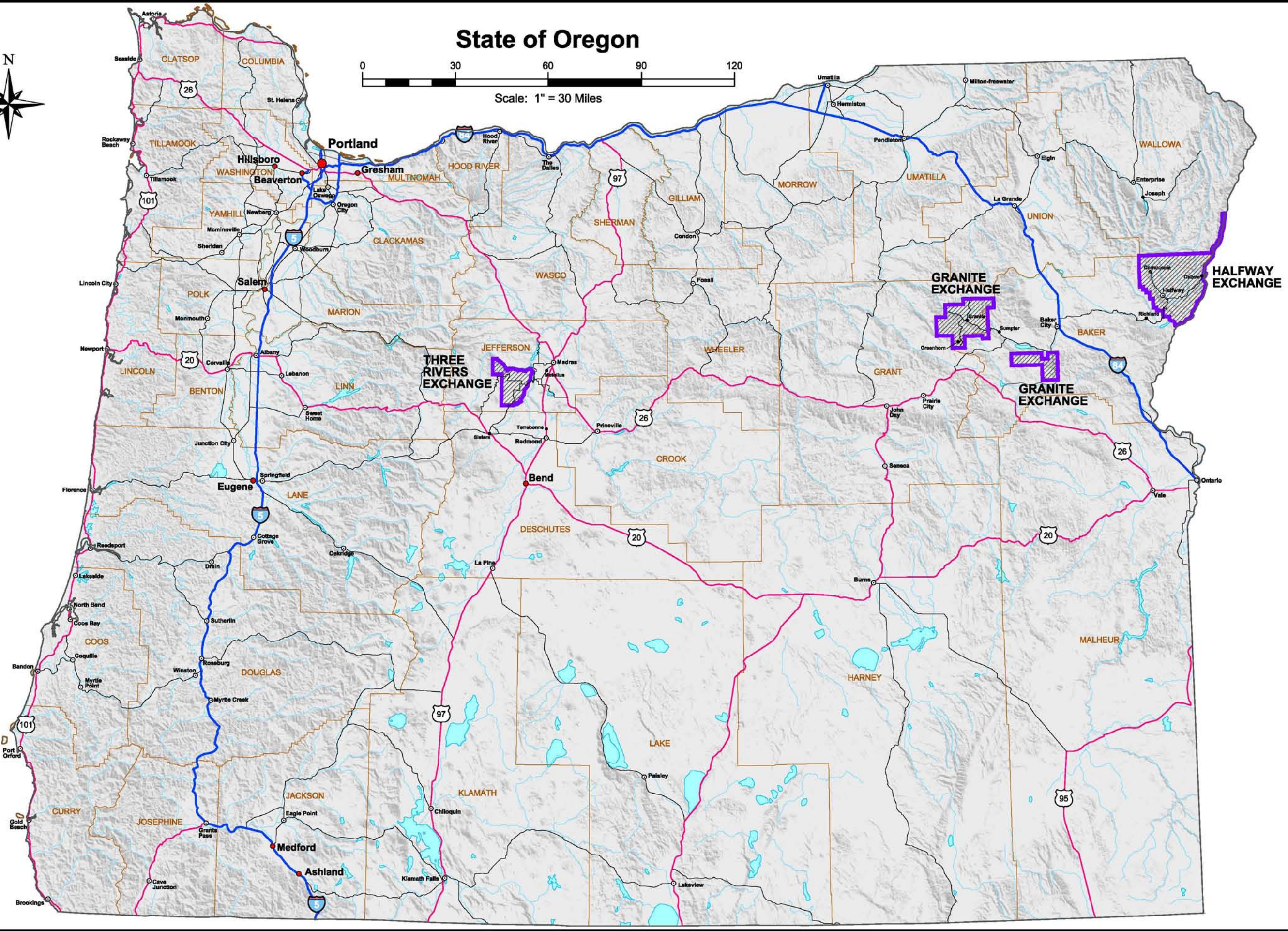
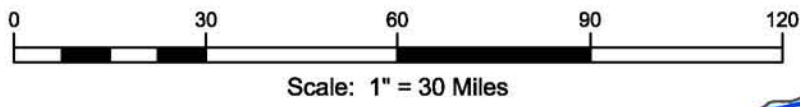
Katie King

Tom Buckley

Pine Telephone System, Inc.
Request for Study Area Waiver – Three Rivers Exchange (Oregon)

- **Pine Telephone**
 - Rural ILEC serving exchanges in Eastern Oregon for more than 100 years.
 - History of providing service to unserved areas.
 - Upgraded two rural exchanges to DSL in 1998 (1.5 Mbps downstream; 512 Kbs upstream); started five year fiber-to-home upgrade in two service areas (12 Mbps downstream; 4 Mbps upstream).
- **Three Rivers Area**
 - Located approximately 50 miles north of Bend, Oregon, at the confluence of the Metolius, Deschutes and Crooked rivers.
 - Area is very remote and extremely difficult to serve; limited, seasonal construction window (May-November).
 - Area has never been served by landline telephone or broadband.
- **Construction Proposal**
 - Pine Telephone approached by residents to serve the Three Rivers area.
 - Pine Telephone obtained RUS funding for first phase of a modern telecommunications plant in the area, installing up to 600 new fiber-to-home (12 Mbps/4 Mbps) access lines (phone, broadband, cable television, etc.).
 - Proposal will create jobs, pump money into the local economy, and provide landline service to the area for the first time.
- **Regulatory Approvals**
 - Obtained approval of Oregon PUC more than a year ago without any adverse comment).
 - Filed Joint FCC Petition (with Qwest) to waive study area boundary freeze in February 2008.
 - Petition, placed on public notice nearly a year ago, is unopposed.
 - Pine Telephone needs petition granted by FCC in order to move forward.

State of Oregon



COMMITTEES:

COMMITTEE ON THE BUDGET
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
SPECIAL COMMITTEE ON AGING
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON FINANCE

March 20, 2009

Honorable Michael J. Copps
Acting Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: CC Docket No. 96-45, In the Matter of Qwest Corporation and Pine Telephone Company System, Joint Petition for Waiver of the Definition of "Study Area" Contained in Part 36, Appendix Glossary of the Commission's Rules

Dear Chairman Copps:

I am writing because of a situation in my state that I am concerned is the result of insufficient attention by the Federal Communications Commission. Pine Telephone System, Inc., a rural incumbent local exchange carrier serving exchanges in Eastern Oregon, filed the above referenced application for a study area waiver for its new Three Rivers Exchange on February 19, 2008. The Oregon Public Utilities Commission approved the abandonment of this previously unserved area by Qwest and the allocation of the territory into Pine Telephone's exchange on January 23, 2008. The Oregon PUC did this based upon the premise that Pine Telephone would proceed immediately to provide wireline telephone access to the residents of that area, who presently have none. Yet, due to inaction at the FCC, no further progress has been made in making wireline service available to the affected Oregon residents.

There are several hundred homes and other establishments located within the Three Rivers Exchange. These people have never had access to basic telephone service and only one cellular site exists in this exchange, which provides cellular coverage that is spotty at best. Pine Telephone was actually contacted by local residents to provide service since the previous wireline provider, Qwest, never built facilities to that part of their service area.

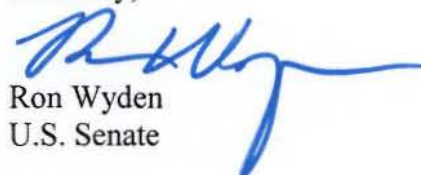
Upon receiving this request, Pine Telephone immediately began work on designing a project which would lay fiber optic cable to all premises in the entire exchange, which would provide broadband internet access as well as wireline telephone service. Their loan application for a \$4 million project and all preliminary engineering work was completed and approved by the Rural Utility Service (RUS) on July 9, 2008. However, the final condition for RUS release of loan funds was FCC approval of the Three Rivers study area waiver.

Although the study area comment period ended on May 20, 2008, with no adverse comments, no final order has been issued by the Commission. I am concerned that the FCC's inaction may rob this area of much-needed economic stimulus and economic development during this troubled time.

I would also like to stress that the construction season in Oregon begins as soon as the snow melts, which is usually April in the Three Rivers Exchange area. Construction would need to commence by May 1 and would run until sometime in November, before the ground freezes. It is my understanding that in order to meet this construction timeframe, considering all the necessary pre-construction work that must be completed, FCC action must be almost immediate. If FCC action is delayed even further, instead of getting service in late fall if this year, my constituents will have to wait until early summer of next year for their connection.

I urge the Commission to take immediate action on Pine's study area waiver application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ron Wyden", with a long horizontal flourish extending to the right.

Ron Wyden
U.S. Senate